

KING MOENCH & COLLINS LLP
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Morris Plains, NJ 07950
(973) 998-6860
mmoench@kingmoench.com
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

YASMIN FAHEEM,

Plaintiff,
vs.

CITY OF ATLANTIC CITY, DALE L.
FINCH, in his official capacity as CITY OF
ATLANTIC CITY DIRECTOR OF
LICENSING & INSPECTIONS, PAULA
GELETEI, in her official capacity as CLERK
OF THE CITY OF ATLANTIC CITY, and
JOHN DOES I-X (fictitious names), jointly,
severally, and in the alternative,

Defendants.

DOCKET NO.: 1:24-cv-08798

**DECLARATION OF RYAN J.
WINDELS, ESQ.**

I, RYAN J. WINDELS, hereby declares as follows:

1. Plaintiff On the afternoon of August 29, 2024 I attended a hearing hosted by the City of Atlantic City to discuss the mercantile license suspension of 24/7 Food Mart.
2. The hearing was held remotely via Zoom and to the best of my recollection was attended by my clients, Naeem and Yasmin Mohammed, as well as Karl Timbers, Assistant Solicitor of Atlantic City, Dale Finch, Director of the Department of Licensing and Inspections, as well as two officers of the City of Atlantic City.

3. Mr. Timbers began the hearing by introducing the City's participants. He then asked an officer to read the criminal charges brought against the clerk of 24/7 Food Mart and our client.

4. After the officer's statement, Mr. Timbers began sharing incidents that have taken place at or around 24/7 Food Mart in the past that he believes necessitated the license suspension. He specifically mentioned a homicide that allegedly took place outside the 24/7 Food Mart.

5. Mr. Timbers then allowed me the opportunity to rebut his claims. I stated that we believed that the criminal charges and the license suspension should be adjudicated separately as they do not appear to be related. I also stated that my clients were willing to work with their staff to ensure that all rules and regulations regarding the sale of cigarettes were being followed closely, and that we do not believe the actions of the store clerk should be associated with my clients as they were not aware of the alleged activity.

6. After I completed my statement, Mr. Timbers initially stated that if my client connected his camera system to the Atlantic City Police Department they could reinstate the mercantile license until the criminal charges were resolved.

7. I pushed back that the criminal charges are separate from the license suspension.

8. Mr. Timbers then stated that if my client connected to the Atlantic City Police Department, the license could potentially be reinstated, regardless of the outcome of the criminal matters.

9. No further details were shared by Mr. Timber as to the timing of the license being reinstated. Mr. Timbers stated that my client had previously agreed to do connect to ACPD, but did not result in doing so.

10. Once Mr. Timbers completed his statement I restated what I believed to be his resolution framework and asked about the timing of the license being reinstated in the event my client agreed to the resolution framework. Mr. Timbers advised that he could not speak to the timing of the potential reinstatement, but that it would be the decision of Mr. Finch.

11. I then asked for time to speak to my client in private to discuss the resolution proposal. The hearing then ended.

12. Attached hereto as **Exhibit A** is a true and accurate copy of the email from Karl Timbers, Esq. dated August 27, 2024.

13. Attached hereto as **Exhibit B** is a true and accurate copy of my email chain with Mr. Timbers between August 28, 2024 and September 3, 2024.

14. Attached hereto as **Exhibit C** is a true and accurate copy of the September 3, 2024 Decision.

15. Attached hereto as **Exhibit D** are true and accurate copies of the incident reports related to the August 16, 2024 events.

I certify that the foregoing factual statement by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: September 10, 2024

By: Ryan J. Windels

Ryan J. Windels, Esq..

EXHIBIT A



CITY OF ATLANTIC CITY

CITY SOLICITOR'S OFFICE

CITY HALL - ROOM 707
1301 BACHARACH BOULEVARD
ATLANTIC CITY, N.J. 08401
TELEPHONE (609) 347-5540
TELECOPIER (609) 347-5210

**MICHAEL J. PERUGINI, ESQ. LLM, CPM
CITY SOLICITOR**

KARL TIMBERS, ESQ.
MICHAEL C. EPPS, ESQ.
JACK A. BERENATO, ESQ.
RASHANNA BUTLER, ESQ.
PETER T. SALLATA, ESQ.

August 28, 2024

Mr. Moench:

Please be advised that the City has scheduled a hearing for Thursday, August 29, 2024, at 2:00 pm. This hearing has been scheduled to address the Suspension of the Mercantile License for 1406 Atlantic Avenue, 24/7 Food Mart LLC.

This Administrative Hearing will be held before the criminal matters have been resolved. As such, the City will only be addressing the charges and the suspension of the mercantile license. Copies of the Summons were forwarded to your attention as attachments to my August 27, 2024, letter.

The other items listed in your letter, consisting of “police reports, bodycam footage, MVR footage, interview notes and other documents related to the charges contained in the August 27, 2024, letter” will not be provided as they will not be discussed.

Respectfully,

A handwritten signature in black ink, appearing to read "Karl Timbers, Esq."

EXHIBIT B

From: [Ryan Windels](#)
To: [Karl Timbers](#); [Dale Finch](#)
Cc: [Matthew Moench](#); [Michael J. Perugini](#); [Tracy Couch](#); [Tiffany Gordon](#)
Subject: RE: 24/7 Food Mart - Mercantile License
Date: Tuesday, September 3, 2024 10:54:13 AM

Following up here. Can you please let me know if there is an established contact at ACPD we can reach out to for this?

Ryan J. Windels, Esq.

KING MOENCH & COLLINS LLP

rwindels@kingmoench.com

51 Gibraltar Drive, Suite 2F | Morris Plains, NJ 07950 | (973) 998-6860

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From: Ryan Windels

Sent: Friday, August 30, 2024 11:14 AM

To: Karl Timbers <KTimbers@acnj.gov>; Dale Finch <Dfinch@acnj.gov>

Cc: Matthew Moench <MMoench@kingmoench.com>; Michael J. Perugini <MJPerugini@acnj.gov>; Tracy Couch <TCouch@acnj.gov>; Tiffany Gordon <TGordon@acnj.gov>

Subject: RE: 24/7 Food Mart - Mercantile License

Is there a contact you have at ACPD who can let us know whether or not the existing security system is up to their specifications?

Ryan J. Windels, Esq.

KING MOENCH & COLLINS LLP

rwindels@kingmoench.com

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From: Karl Timbers <KTimbers@acnj.gov>
Sent: Thursday, August 29, 2024 6:21 PM
To: Ryan Windels <rwindels@kingmoench.com>; Dale Finch <Dfinch@acnj.gov>
Cc: Matthew Moench <mmoench@kingmoench.com>; Michael J. Perugini <MJPerugini@acnj.gov>; Tracy Couch <TCouch@acnj.gov>; Tiffany Gordon <TGordon@acnj.gov>
Subject: RE: 24/7 Food Mart - Mercantile License

Mr. Windels:

I have included your clients mercantile licenses going back several years. I have also included case files for cases going back several years.

As to your questions:

Your client was instructed that he could reach out to ACPD to confirm if a system would meet ACPD requirements to be connected to their system.

As to whether the suspension would be lifted immediately. This is a decision for the Hearing Officer/Dept. Head. As I stated during the hearing, I would make a recommendation, but ultimately the decision belongs to the Hearing Officer/Dept. Head. My reasoning was that the most recent instances might not have happened if your client had installed the cameras as he had agreed to do previously. The ultimate decision is not mine to make.

If your client does not agree, the city will move forward and issue a decision based upon the hearing. That decision has not been made at this point.

Thank you.

Karl Timbers, Esq.
Asst. City Solicitor
City of Atlantic City
1301 Bacharach Blvd., Suite 707
(609) 347-5540

From: Ryan Windels <rwindels@kingmoench.com>
Sent: Thursday, August 29, 2024 3:08 PM
To: Karl Timbers <KTimbers@acnj.gov>; Dale Finch <Dfinch@acnj.gov>
Cc: Matthew Moench <mmoench@kingmoench.com>
Subject: 24/7 Food Mart - Mercantile License

Mr. Timbers and Mr. Finch,

I had a few points of clarification to the potential resolution discussed during today's hearing. We are still discussing this with our client, but wanted to clear these issues up in the meantime.

First, in terms of connecting the security cameras with the ACPD, would that require a new camera system or would ACPD be able to connect with the existing camera system?

Second, regardless of which camera system can be accessed, would the suspension be lifted immediately once our client agreed to allow ACPD to connect?

Finally, if our client does not agree to this, what would the City's position be then?

Thank you.

Ryan

Ryan J. Windels, Esq.

KING MOENCH & COLLINS LLP

rwindels@kingmoench.com

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EXHIBIT C

CITY OF ATLANTIC CITY

DEPARTMENT OF LICENSING & INSPECTIONS
1301 BACHARACH BOULEVARD
CITY HALL – SUITE 502
ATLANTIC CITY, NJ 08401-4603
Telephone: 609-347-5290
Fax: 609-347-5584



September 3, 2024

DECISION

Re: 24/7 Food Mart – Mercantile License Suspension
Hearing Dated August 29, 2024 – Decision

1. Hearing based on violations and charges occurring at 1406 Atlantic Avenue, City of Atlantic City. The following criminal violations charged on August 16, 2024.

Charges	Description
2C:35-10A(1)	Possession of CDS Cocaine
2C:35-5A(1)	Mfr./Distribute CDS (Cocaine)
2C:35-7.1A	Dist CDS W/I 500' PUB HSE
2C:36-3	Distribute Drug Paraphernalia

2. Upon recommendation of the Atlantic City Police Department, the Mercantile License was immediately suspended due to the imminent harm and danger to the public from the distribution of cocaine and other violations as stated above.
3. On August 26, 2024, a notice was hand-delivered advising the mercantile license holder that they were entitled within seven (7) days to have a hearing to contest the suspension of the mercantile license. Pursuant to City Ordinance 170 of 2013, a hearing was offered and was held on August 29, 2024.

The continued habitual criminal use of this location to distribute drugs has put the community in a dangerous situation that we cannot afford to let continue unabated. Further, based on the severity of the charges and also the many past criminal violations that have occurred at this location, it is my decision that the mercantile license remain suspended until the criminal matter can be heard or resolved. Past criminal violations include the following:

- a. September 2018: Narcotics Search Warrant – Sales by Clerk
- b. October 2022: Homicide
- c. January 2023: Taxation Inspection
- d. June 2023: Homicide
- e. November 2023: CDS Distribution
- f. February 2024: CDS Distribution

- 132
- g. May 2024: Shooting of 15 year old juvenile
 - h. May 2024: Citizen Complaint
 - i. August 2024: Drug Sales by Clerk

Because of the imminent harm and safety issues affecting the public, the mercantile license shall remain suspended and continue to be suspended until the criminal matter has been resolved or decided. Upon a decision from the criminal court the issue of the removal of a mercantile license will be re-visited and a determination will be made as to either continue revocation or allow renewal of the mercantile license.



Dale Finch, Director
Licensing & Inspections
Hearing Officer

DF/ew

EXHIBIT D


Atlantic City Police Department **Incident Report**
Incident:
U-MFR./DISTRIBUTE CDS (COCAINE)
Incident Report Number: 24-079744 **Between: Date - Time**
And/At: Date-Time 8/16/24 13:11

Incident Location:
1406 Atlantic Ave, Atlantic City, NJ, 08401
Offense - 1: 2C:35-5A(1) **Offense - 2:** 2C:35-10A(1) **Offense - 3:** 2C:35-7.1A **Offense - 4:** 2C:36-3

Offense - 5: **Offense - 6:** **Offense - 7:** **Offense - 8:**
Name (Last, First, Middle)
DOB:
Race/Sex
Address: (Address, City, State, Zip)
Phone 1
Employer
Phone 2
Employer Address
Work Phone #
Name (Last, First, Middle)
DOB:
Race/Sex
Address: (Address, City, State, Zip)
Phone 1
Employer
Phone 2
Employer Address
Work Phone #
Body Worn Camera Used
NARRATIVE
City of Atlantic City Police Department
Supplemental Report
Case Number: 24-079744

Detective Grams #962
Special Investigations
Date: 08/16/2024

Time: 1310 hours

Arrested:
Cecil Morgan
DOB: [REDACTED]

Vehicle Information: (Year, Make, Model, Color)
License Number: [REDACTED] **State:** [REDACTED] **Expiration Year:** [REDACTED] **Vin:** [REDACTED] **Insurance Company:** [REDACTED]

Other Vehicle Information: [REDACTED] **NCIC#:** [REDACTED]

Reporting Officer(s):
Grams, Troy J.
Badge Number:
962
Report Date:
08/16/2024
Time Received:
13:11:31
Time Cleared:
14:41:47
Unit(s) Assigned:
L14, A3B, V15, V20, V27
Pages:
1 Of 24
Reviewed by:
646
Badge Number:
646
Copy To:
MAA/FAHEEM 0014
Date:
08/16/2024
Offense - 1:
2C:35-5A(1)
Incident Report Number:
24-079744

Atlantic City Police Department

Continuation

Incident Report Number 24-079744	Incident Location: 1406 Atlantic Ave, Atlantic City, NJ, 08401	Incident Date: 08/16/2024
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[REDACTED]
Atlantic City, NJ 08401

(Incident Occurred: Possession of Cocaine & Marijuana/Intent/Public Zone)

On the above date and time, I, Detective Grams #962, along with Detective Evans #928 were working in a plain clothes capacity, utilizing an unmarked patrol vehicle.

At approximately 1310 hours, Detectives of the Special Investigations Section were conducting surveillance in the area of 1500 Atlantic Avenue.

This area and the immediate surrounding area is a well-documented high crime & high drug trafficking area where numerous narcotic and weapon related arrests have been made. This department has received numerous complaints about drug trafficking and weapons offenses. There have also been an abundant number of concerned citizens and neighbors complaining about these activities occurring on a daily basis. The complaints along with several arrests made in this area appropriately label this area as a high crime and high drug trafficking area.

While conducting surveillance, Detective Lieutenant Andrews observed the store clerk (later identified as Cecil Morgan) of [REDACTED] leave the store counter several times and meet with individuals on separate occasions while inside of the store. Morgan was observed possessing a digital scale and conducting exchanges of US currency and small objects consistent with the packaging of narcotics.

An individual (later identified as [REDACTED]) was stopped by Detectives on Unit S. Tennessee after being observed inside of the store meeting with Morgan and conducting a suspected narcotics exchange. [REDACTED] was found in possession of (1) clear plastic bag which contained suspected marijuana (4.0 grams). [REDACTED] information was taken, the marijuana was seized and he was sent on his way.

Detective Lieutenant Andrews advised of his observations, in which we coordinated in signaling this location. While coordinating, Morgan was observed meeting with another individual inside of the store, in which he was observed emptying out a plastic bag, then placing several cigarette cartons inside. Morgan handed this bag to an unknown male which departed east on Atlantic Avenue.

Morgan had exited the store, beginning to walk east on Atlantic Avenue- leaving the store unattended with customers still inside. Morgan was stopped, handcuffed and double locked. A search incident to arrest revealed US Currency scattered and unorganized, in multiple denominations (total \$176.00), (1) clear knotted plastic bag containing suspected crack cocaine (12.0 grams), and (1) clear plastic

Reporting Officer(s): Grams, Troy J.	Badge Number: 962	Pages: 200524
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MAA/FAHEEM 200524

Atlantic City Police Department		Continuation
Incident Report Number 24-079744	Incident Location: 1406 Atlantic Ave, Atlantic City, NJ, 08401	Incident Date: 08/16/2024
<p>bag containing suspected marijuana (0.5 grams).</p> <p>Atlantic City Mercantile was notified and responded to the scene. AC Mercantile employee located the store's New Jersey Cigarette retail Dealers License, which appeared to have expired on 03/31/2020.</p> <p>Inside of the store, the following was recovered:</p> <ul style="list-style-type: none">-Numerous cartons of Cigarettes with Virginia State (VA) Taxation Stamps (Seized) <p>CDS Paraphernalia:</p> <ul style="list-style-type: none">- Numerous copper mesh-Container containing brass filter screens-Numerous glass pipes-Rubber bands-Numerous colorful labeled plastic bags-Digital Scale <p>The store was turned over to owner who was advised and arrived on scene, whom identified as the following:</p> <p>Tariq Mehmood DOB: [REDACTED] [REDACTED]</p> <p>Upon arrival at the Public Safety Building, all proper paperwork was completed and scanned into pro-phoenix as necessary in reference to this case.</p> <p>See below for more information regarding this case.</p> <p>CDS Located:</p> <ul style="list-style-type: none">- (1) plastic bag containing a white rock-like substance (suspected crack cocaine), total weight 12.0 grams including packaging.- (1) plastic bag containing a green vegetation substance (suspected marijuana), total weight is 4.0 grams including packaging.- (1) plastic bag containing a green vegetation substance (suspected marijuana), total weight is 0.5		

Reporting Officer(s): Grams, Troy J.	Badge Number: 962	Pages: 305 24
		MAA/FAHEEM 001624

Atlantic City Police Department		Continuation
Incident Report Number 24-079744	Incident Location: 1406 Atlantic Ave, Atlantic City, NJ, 08401	Incident Date: 08/16/2024
<p>grams including packaging.</p> <p>Other evidence:</p> <p>- \$176.00 in US Currency</p> <p>Morgan's Charges:</p> <p>2C:35-10A(1)- Possession of Crack Cocaine- (Third Degree) 2C:35-5B(1)- PWID Crack Cocaine- (Third Degree) 2C:36-3- PWID Drug Paraphernalia- (Fourth Degree) 2C:35-7.1A- PWID Public Zone Cocaine- (Second Degree) 2C:35-7.1A- PWID Public Zone Marijuana- (Third Degree)</p> <p>Morgan's Summons Number: 0102 S 2024 002881</p> <p>The CDS evidence for this case was dropped in the CDS bin, and the NON CDS evidence was dropped in the NON-CDS bin located inside of the Public Safety Building. All proper paperwork was completed, the evidence was entered into the pro-phoenix system along with all necessary scanned paperwork.</p> <p>See my body worn camera that was tagged and categorized for more information regarding this case (Serial No: X6033857Y).</p> <p>End of report. Detective Grams #962</p>		
Reporting Officer(s): Grams, Troy J.	Badge Number: 962	Pages: MAA/FAHEEM 4005724

Atlantic City Police Department			Continuation
Incident Report Number 24-079744	Incident Location: 1406 Atlantic Ave, Atlantic City, NJ, 08401	Incident Date: 08/16/2024	
NAMES			
Arrested			
Morgan, Cecil [REDACTED]	DOB:	HT: 5	Eyes:
Booking#: 24-003483			
Case#	Charge	Description	Ct
24-079744	2C:35-5A(1)	MFR./DISTRIBUTE CDS (COCAINE)	1
24-079744	2C:36-3	DISTRIBUTE DRUG PARAPHERNALIA	1
24-079744	2C:35-10A(1)	POSSESSION OF CDS COCAINE	2
24-079744	2C:35-7.1A	DIST CDS W/I 500' PUB HSE	2
Involved			
Mehmood, Tariq M A/M-58 of [REDACTED]	DOB:	Eyes:	Phone:
[REDACTED]			
Reporting Officer(s): Grams, Troy J.	Badge Number: 962	Pages: 5 of 24	MAA/FAHEEM 0018

Atlantic City Police Department		Supplemental Report	
Incident Report Number: 24-079744	Incident Location: 1406 Atlantic Ave, Atlantic City, NJ, 08401	Incident Date: 08/16/2024	
New Incident:	Original Offense - 1: 2C:35-5A (1)	New Offense - 1:	New Offense - 2:
NARRATIVE			
<p>On 8-16-24 I, Lt. R. Andrews was in an unmarked vehicle in plainclothes. I was conducting surveillance in the area of 1400 Atlantic concerning numerous complaints of CDS activity. In addition, a recent complaint to the Chief's office concerning drug sales within the store at 1406 Atlantic (24/7 Store) had been made.</p> <p>I observed the store clerk, later identified as Cecil Morgan often leave the area of the cash register and walk to a nearby coffee station where he would bend down and manipulate items. He appeared to have a black draw string bag stashed in that area which I found odd.</p> <p>After observing for approximately 20 minutes, a male and female entered the store. The male spoke with Morgan and did not appear to buy any normal store items. Morgan came from behind the counter and escorted the male to the area of the earlier mentioned coffee station. Morgan bent down and appeared to retrieve a small item consistent with CDS.</p> <p>I could also observe him using what appeared to be a small silver digital scale which he had in his pant pocket. Currency was exchanged for the item which appeared to be concealed in cellophane and then the male left and walked East with the female placing the item in his pocket.</p> <p>I had Detectives Dodson and Barrett stop the suspected buyer later identified as [REDACTED] [REDACTED]. Upon checking him a cellophane bag containing four grams of Marijuana was located in his pocket. This item was confiscated by the Detectives. They retrieved ID from [REDACTED]. The female in his company advised he had just purchased that from the store. [REDACTED] later advised he paid \$50.00 for the weed. His information was gathered and he was sent on his way pending further investigation.</p> <p>At this time, I continued to monitor the store and Morgan the clerk. A young male entered and I observed Morgan walk to a cold box toward the middle of the store. He placed several items into a plastic bag which he appeared to retrieve from the cold box. The unknown young male exited on a bike. He rode directly past me where I could observe the contents in the bag were several cigarette packs. I thought this was also odd as there were plenty of cigarettes on the shelf behind the register.</p> <p>At this time, we decided to enter the premises. Morgan again left the register unattended and suddenly walked outside to the sidewalk where he was detained. He was explained the situation and walked back into the store. US currency and the silver digital scale were immediately located in his pocket. Roughly a half ounce of crack cocaine was also discovered in the waistband area of his pants. He was later transported to PSB and processed for numerous CDS offenses.</p> <p>Several items of paraphernalia were located directly behind the counter area where the cash register</p>			
Reporting Officer(s): Andrews, Richard J.	Badge Number: 646	Report Date: 08/16/2024	
Reviewed by: 766	Badge Number: 766	Copy To:	Page: 1 of 3

Atlantic City Police Department		Continuation
Incident Report Number 24-079744	Incident Location: 1406 Atlantic Ave, Atlantic City, NJ, 08401	Incident Date: 08/16/2024
<p>was located in Plainview. Detectives also observed numerous cartons of cigarettes in the earlier mentioned cold box. None of these had the proper NJ tax stamp. Many had Virginia stamps. Several more were located under the register area not displaying the NJ tax stamp. Ironically the cigarettes on clear display on the shelf behind the register did have the proper NJ tax stamp. Numerous cartons were confiscated with notification to the Division of Taxation for follow up and potential future charges for the owner. Mercantile division also came on scene to assist.</p> <p>Sometime later, the store owner, Tariq Mehmood arrived on scene. Mehmood was advised of the situation and the mercantile inspector also advised him that whatever Cigarette license he had on display was very outdated. The building was turned over to Mehmood as we cleared the scene. See Det Grams report for more details.</p>		
Reporting Officer(s): Andrews, Richard J.	Badge Number: 646	Pages: 2 of 3 MAA/FAHEEM 0020

Atlantic City Police Department			Continuation
Incident Report Number 24-079744	Incident Location: 1406 Atlantic Ave, Atlantic City, NJ, 08401		Incident Date: 08/16/2024
NAMES			
Arrested			
Morgan, Cecil [REDACTED]			
DOB: [REDACTED]			
HT: 5 [REDACTED]			
Eyes: [REDACTED]			
Booking#: 24-003483			
Case#	Charge	Description	Ct
24-079744	2C:35-5A(1)	MFR./DISTRIBUTE CDS (COCAINE)	1
24-079744	2C:36-3	DISTRIBUTE DRUG PARAPHERNALIA	1
24-079744	2C:35-10A(1)	POSSESSION OF CDS COCAINE	2
24-079744	2C:35-7.1A	DIST CDS W/I 500' PUB HSE	2
<hr/> <hr/> <hr/>			
Reporting Officer(s): Andrews, Richard J.	Badge Number: 646	Pages: 3 of 3	